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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,402	11/10/2000	Peter Paul Polit	RCA88820	1656
24498	7590	05/10/2006	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			LY, ANH VU H	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/582,402

Applicant(s)

POLIT ET AL.

Examiner

Anh-Vu H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.  
7) ☒ Claim(s) 1,2,5 and 7-12 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 07, 2006 has been entered.

### ***Claim Objections***

2. Claims 1-2, 5, and 7-12 are objected to because of the following informalities:

With respect to claim 1, in line 3, "internet" should be replaced with --Internet--.

With respect to claim 5, in line 15, --and the caller ID information-- should be inserted right after "ringing pattern" since claim 5 recites "at least one of" in line 14.

Claims 2 and 7-12 are automatically objected to as they depend upon objected independent claims 1 and 5. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Oyama et al (US Patent No. 6,108,329). Hereinafter, referred to as Oyama.

With respect to claim 1, Oyama discloses a method for setting up a voice call over Internet (Fig. 6) comprising the steps of:

initiating an Internet voice call to a called device (col. 6, lines 53-56, the terminal T11 sends a call request to the server S11 having a desired destination address);

determining whether the called device is already connected to the Internet (col. 7, lines 3-6, the server S21 of the computer network NET21 dials the telephone number of the terminal T21 obtained from the database DB21 to call up the terminal T21. Herein, the server S21 already determined that the terminal T21 is not already connected to the server; otherwise, the server would not dial the terminal T21);

initiating a first connection by placing a PSTN telephone call with associated caller ID information to the called device, if the called device is not already connected to the Internet (col. 9, lines 42-45 and Fig. 11B, at step 23, the destination terminal obtains information on the origination terminal ST23 when the server S21 dials the telephone number of the terminal T21, considered as a first connection. Wherein, the information on the source terminals may include names of the source terminals, countries of the source terminals, dates and times of dispatch, dates and times of arrival, and so forth);

establishing said Internet voice call with the called device (Fig. 11B, at step 28, communication through Internet) wherein said called device in response to the associated caller ID information connects to the Internet by initiating a second connection through a data network

(col. 7, lines 7-11, the destination terminal T21 sends back an acknowledgment, considered as a second connection).

With respect to claims 2, 9, and 12, Oyama discloses that wherein the associated caller ID information is a predetermined caller ID number and/or type I caller ID information (col. 9, lines 42-45, the information on source terminals may include names of the source terminals, countries of the source terminals, dates and times of dispatch, dates and times of arrival, and so forth. Herein, normally, all caller ID information is considered as type I caller ID information).

With respect to claim 3, Oyama discloses a method for setting up an IP voice call through an IP network (Fig. 6), comprising the steps of:

initiating an IP voice call to a called device (col. 6, lines 53-56, the terminal T11 sends a call request to the server S11 having a desired destination address);

determining whether the called device is already connected to the Internet (col. 7, lines 3-6, the server S21 of the computer network NET21 dials the telephone number of the terminal T21 obtained from the database DB21 to call up the terminal T21. Herein, the server S21 already determined that the terminal T21 is not already connected to the server; otherwise, the server would not dial the terminal T21);

initiating a first connection by placing a PSTN telephone call with a distinctive ringing pattern to the called device, if the called device is not already connected to the Internet (col. 8, lines 56-58, a call through the modem and a call through a usual telephone can be discriminated by receiving a European calling tone from a server, considered as a first connection);

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establishing said IP voice call with the called device (Fig. 11B, at step 28, communication through Internet) wherein said called device in response to said distinctive ringing patterns connects to the IP network by initiating a second connection through a data network (col. 7, lines 7-11, the destination terminal T21 sends back an acknowledgment, considered as a second connection).

With respect to claim 4, Oyama discloses that wherein the distinctive ringing pattern is different from the ringing pattern of a regular PSTN telephone call (col. 8, lines 56-58, a call through the modem and a call through a usual telephone can be discriminated by receiving a European calling tone from a server).

With respect to claim 5, Oyama discloses a method for receiving an IP voice call for a receiving device (Fig. 6), comprising the steps of:

receiving an IP voice call through an IP network, if the receiving device is connected to the IP network (Fig. 7, a communication between the origination terminal and destination terminal begins immediately if the destination terminal already connected to the Internet);

connecting the device to the IP network (Fig. 7) in response to:

a. receiving a PSTN telephone call comprising at least one of a distinctive ringing pattern and a caller ID information through a PSTN line, said received PSTN telephone call being a first data connection which is terminated after receiving at least one of said distinctive ringing pattern and caller ID information (col. 9, lines 42-45 and Fig. 11B, at step 23, the destination terminal obtains information on the origination terminal ST23 when the server S21 dials the telephone

number of the terminal T21, considered as a first connection. Wherein, the information on the source terminals may include names of the source terminals, countries of the source terminals, dates and times of dispatch, dates and times of arrival, and so forth);

b. comparing the received caller ID information with a predetermined caller ID information, when caller ID information is received (Fig. 12);

c. initiating a second data connection by connecting to the IP network as to establish the IP voice call in response to at least one of the distinctive ringing pattern and caller ID information (col. 7, lines 7-11, the destination terminal T21 sends back an acknowledgment, considered as a second connection) and if the received caller ID information matches the predetermined caller ID information (Fig. 11B, step 28).

With respect to claims 7 and 10, Oyama discloses that wherein said caller ID information is associated with a device initiating the method (col. 9, lines 42-45, the information on the source terminals may include names of the source terminals, dates, and so forth).

With respect to claims 8 and 11, Oyama discloses that wherein said device initiating said method is a server that operates between a caller device and said called device (Fig. 6, server S11).

#### ***Response to Arguments***

4. Applicant's arguments filed March 07, 2006 have been fully considered but they are not persuasive.

Applicant argues in page 6 that the purpose of information in Fig. 4 of DB1 is to determine the type of connection format that is used to connect to a user. The phone number indicates the phone number that a server has to call in order to establish a PPP call with a called device. This type of information does not indicate the status of a called device such as connected or disconnected from the Internet. Examiner respectfully disagrees. Oyama discloses (col. 7, lines 3-6) that the server S21 of the computer network NET21 dials the telephone number of the terminal T21 obtained from the database DB21 to call up the terminal T21. Herein, the server S21 already determined that the terminal T21 is not already connected to the server; otherwise, the server would not dial the terminal T21.

Applicant further argues in page 6 that Oyama neither discloses nor suggests the use of two connections in the establishment of an Internet voice call. Examiner, once again, respectfully disagrees. As stated above in the rejections, a first connection is established when the server dials the destination terminal and the second connection established when the destination terminal sends an acknowledgment back to the server.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHI PHAM  
EXAMINER  
5/09/06